

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

FILED
BILLINGS DIV.

2009 APR 16 PM 4 25

PATRICK E. DUFFY, CLERK

BILLINGS DIVISION

BY _____
DEPUTY CLERK

TIMOTHY McCOLLOUGH,

Plaintiff,

vs.

JOHNSON, RODENBURG &
LAUINGER,

Defendant.

CV-07-166-BLG-CSO

**JURY INSTRUCTION:
PUNITIVE DAMAGES**

Instruction No. 44

In determining the amount of punitive damages, you should consider all of the attendant circumstances, including the nature, extent and enormity of the wrong, the intent of the party committing it, the amount allowed as actual damages, and, generally, all of the circumstances attending the particular act involved, including any circumstances which may operate to reduce without wholly defeating punitive damages.

Punitive damages should be of such an amount as will deter the defendant from and warn others against similar acts of misconduct. Thus, the wealth of the defendant is a fact to be considered by you in determining the amount of punitive damages.

An award of punitive damages may not exceed 3 percent of the Defendant's net worth.

Instruction No. 44 was given.

DATED this 16th day of April, 2009.



Carolyn S. Ostby
United States Magistrate Judge